

LOUISVILLE METRO CRIMINAL JUSTICE COMMISSION MEETING SUMMARY

Thursday, April 21, 2016

Members Present: D. Scott Furkin, Vice-Chair; Dr. Charles Baker; Kathy Bingham; Quaniqua Carthan (designee for Rashaad Abdur-Rahman); Sytisha Claycomb (designee for Yvette Gentry); Chief Steve Conrad; Judge Charles Cunningham; Jay Davidson; Dan Fountain; Dan Goyette; Ellen Heslen; Carla Kreitman; David Nicholson; Susan Ely (designee for Mike O'Connell); Lisa Lee Williams; and Tom Wine.

Guests Present: Matthew Glowicki; Heather Gibson; Laura Hammer; Joshua Sewell; and Ginny Lee.

Staff Present: Kim Allen, Jamie Allen, and Faith Augustine.

I. Welcome/Call to Order

Scott Furkin, Vice-Chair, called the meeting to order and welcomed those in attendance. Members were asked to introduce themselves.

II. Approval of the February 18, 2016 Meeting Summary

The February 18, 2016 meeting summary was unanimously approved as submitted.

III. Chair Report

Scott Furkin noted that Judge David Bowles was unable to attend today's meeting because the meeting time conflicts with the Thursday IPO docket. Judge Bowles has asked if the Commission would consider moving the Board meetings from Thursday to Wednesday because this will be an ongoing conflict for him. Since the Board has historically met on the third Thursday of every other month, Mr. Furkin enlisted member input on the proposed change. If the meetings are moved to Wednesday the new dates would be June 15th, August 17th, and October 19th. Members agreed to the change in the meeting day and a revised meeting schedule will be sent to members.

Mr. Furkin reported that the Juvenile Justice Advisory Committee (JJAC), formerly the JDAI/DMC Advisory Board, was reconvened and the coordination and staffing function was transferred back to the Criminal Justice Commission. Maria Gurren, Public Protection Coordinator, joined the CJC staff on March 14th. She is currently attending the Coalition of Juvenile Justice Conference this week in Washington DC, and will be formally introduced at the next meeting.

Scott reported that the Annual Stakeholder Survey will be distributed in the second quarter of 2016. The survey instrument questions are currently being revised to ensure usable input and to differentiate responses by users/participant groups. A meeting of the MCJC Executive Committee will be scheduled in the near future to review the draft survey instrument prior to distribution. Scott also reported that the March/April Staffing

Report is included in the meeting packet. The report was created to provide updates on the scope of Criminal Justice Commission projects and highlight staff activities.

IV. Presentation: An Overview of Local Enforcement Efforts Related to Synthetic Drugs

Sgt. Tom Schardein, Louisville Metro Police Department

Scott noted that although the heroin surge is still prevalent in our community, a more recent trend involving the use of synthetic drugs is emerging. He welcomed Sgt. Tom Schardein to provide an overview of synthetic drugs, what LMPD is seeing in the community, and current enforcement strategies. Sgt. Schardein began by highlighting the 10 most commonly abused drugs in the United States, and noted that heroin is in the top four used locally. He explained that a synthetic drug is a drug with properties and effects similar to a known hallucinogen or narcotic, but having a slightly altered chemical structure, often created in order to evade restrictions against illegal substances. For example, bath salts are a synthetic cathinone marketed as cheap substitutes for other stimulants such as methamphetamine and cocaine. "Spice" is a synthetic cannabinoid, a designer drug that attempts to mimic the effect of natural cannabinoids. "Black voodoo" and "Dr. Feelgood" are brand names of "spice", packaged for sale, and marked for human consumption. Non-controlled chemicals are used to make "spice".

Sgt. Schardein reported that there are existing statutes that prohibit possession and trafficking of synthetic drugs including:

- KRS 218A.1430 (42390) – Possession of Synthetic Drugs (Class B Misdemeanor);
- KRS 218A.1430 (42386) – Trafficking in Synthetic Drugs, 1st Offense (Class A Misdemeanor);
- KRS 218A.1430 (42387) – Trafficking in Synthetic Drugs, 2nd Offense (Class D Felony); and
- KRS 218A.1405 (42030) – Acquire Property/Enterprise from Income from Trafficking in Controlled Substance (Class D Felony).

Sgt. Schardein indicated that LMPD is starting to see an increase in Mexican methamphetamine in the community as well as LSD capsules. He noted that in the last six weeks, there have been 19 seizures of LSD from University of Louisville students. He added that Fentanyl is a Schedule 2 manufactured opiate that is typically used as an end of life drug. Fentanyl is roughly 100 times stronger than medical grade heroin. Acetyl Fentanyl is an opiate analgesic with no recognized medical use. It is five to 15 times stronger than heroin, and users typically use it intravenously as a direct substitute for heroin or pharmaceutical-grade opioids, though many are unaware that what they are consuming is not heroin. Acetyl Fentanyl is not specifically regulated, though it qualifies as an analogue of Fentanyl (a medical synthetic opiate). If a package is labeled "not for human consumption," the product is technically legal. A large quantity of Acetyl Fentanyl would potentially be immune to regulation as long as it is titled, labeled and stored as a product for industrial or non-human research purposes. There are two versions (alpha and beta) on the street now, and the airport has seized roughly six pounds of alpha Fentanyl. Sgt. Schardein reported that six of the most recent shootings are related to Fentanyl.

He added that Naloxone or Narcan, a pure opioid antagonist, can mitigate the effects of Fentanyl, but doesn't seem to be as effective. Naloxone is used in opioid overdoses to reverse depression of the central nervous system and respiratory system, allowing overdose victims to breathe normally. It is a non-scheduled prescription medication, and only works if a person has opioids in their system. He noted that all LMPD officers are carrying Naloxone, and there have been over 150 saves since February 2016, which is probably just a fraction of the total when compared to the number of saves by EMS. If LMPD uses Naloxone, the officer transports the user to University of Louisville Hospital, but the individual may just walk out the door because there is nothing in the statute to make them stay.

In response to a question regarding education and public awareness related to synthetic drug abuse from Lisa Lee Williams, Sgt. Schardein reported that he presents information on the topic at least three times a month to various groups. Susan Ely asked about the prevalence of synthetic marijuana, and Sgt. Schardein noted that users report it is more difficult to stop using synthetic marijuana compared to real marijuana. In response to a question about prosecuting heroin dealers that sell to a user that subsequently overdoses, Sgt. Schardein stated that there is no law or statute that permits prosecution in that situation in Kentucky. Chief Conrad noted that he is working with the U.S. Attorney's Office to seek funding to investigate cases involving overdoses to identify the drug dealer or distributor.

IV. Update: Office of Safe and Healthy Neighborhoods (OSHN)

Quaniqua Carthan, Program Coordinator

Scott introduced Quaniqua Carthan, Program Coordinator for the Office of Safe and Healthy Neighborhoods to provide an update. Ms. Carthan began by mentioning the "One Love Louisville Youth Edition" which highlights five goals that target three police divisions in Louisville (Division 1, 2, and 4) aimed at reducing youth involvement, exposure, and impact of homicides, shootings, and aggravated assaults using the PIER (Prevention, Intervention, Education, and Re-Entry) approach.

Quaniqua distributed a handout regarding the launch of a new project called "Pivot to Peace". Pivot to Peace is an innovative, evidence-informed, hospital-based intervention program designed to build stronger, safer neighborhoods by linking adult survivors of violent gun or knife injuries to community resources. The target population includes University of Louisville gunshot and stabbing victims between the ages of 18 and 34 from five zip codes (40203, 40208, 40210, 40211, and 40212). Eligible participants will receive hospital-linked violence intervention and community wraparound case management services, including mental health support. Participants and family members are invited to participate in 20 hours of training in nonviolent conflict resolution offered by the Peace Education Program. The program will serve up to 70 young adults annually.

Quaniqua announced that the "One Love Louisville Youth Implementation Team" is now seeking new team members to be part of the 2016 – 2017 cohort. Applications will be accepted through May 1st.

V. Committee Reports/Updates
a. Legislative Committee – Scott Furkin

Scott Furkin called attention to the CJC Legislative Tracking Chart in the meeting packet. In the 2016 session, a total of 632 House Bills and 309 Senate Bills were filed, and the CJC tracked 114 House Bills and 63 Senate Bills. Scott highlighted a few criminal justice related bills that were signed by the Governor:

- HB 40 – to expand the scope of an expungement motion to include some felonies
- SB 40 – relating to a pilot project to permit courts to open dependency, neglect, and abuse proceedings under KRS Chapter 620 and termination of parental rights under KRS Chapter 625 to the public; pilots to be implemented in three locations
- SB 56 – relating to DUI, to expand the look-back window for prior offenses from 5 to 10 years
- SB 63 – requiring law enforcement agencies to have approved policies on the disposition of sexual assault evidence kits, sets processing timelines for State Police forensic lab, enhances law enforcement policies related to transferring kits, enhances law enforcement training on sexual assault, and enhances requirements for hospitals to retain kits.

b. “Justice for All” Metro TV Series – Kim Allen

Kim Allen provided an update on the MCJC “Justice for All” public education initiative. Kim called attention to the Justice for All handout in the packet and reported that five informational videos are complete and available on the Metro TV YouTube page and the MCJC website: Law Enforcement, The Courts, Women in Justice and Public Safety, Grand Jury, and the Citizen’s Commission on Police Accountability. The sixth segment, which will focus on domestic violence education and awareness is in development and will focus on educating the community on the prevalence of domestic violence, lethality factors and the risk of dangerousness, and the IPO/EPO process. Kim noted that Commission staff is working with Joe Lord, Digital and Social Media Manager within the Mayor’s Office to broaden the audience for the Justice for All segments through social media. Segments will be highlighted on the Mayor’s Facebook and Twitter accounts which currently have an estimated 16,000 followers.

c. Innovative Communities/Data-Driven Initiative – Kim Allen

Kim Allen reported the Criminal Justice Commission is participating in the Innovative Communities Data-driven Justice Initiative sponsored by the White House. In October 2015, the White House hosted criminal justice leaders from across the country in a two-day convening focused on the use of data to address the needs of “super utilizers” revolving in and out of jails and other at-risk individuals through alternatives to incarceration. Based on bipartisan support for criminal justice reform efforts, the White House is taking the opportunity to scale and expand three key innovations including real-time data sharing, pre-arrest mental health diversion, and data-driven pre-trial risk assessment tools. Kim reported that staff completed a worksheet describing local initiatives including the Dual Diagnosis Cross-Functional Team and Laura and John

Arnold Foundation pretrial demonstration site that was submitted along with a sign-on letter from Mayor Fischer. Kim advised that technical assistance will be provided, but no funding will likely be available to participating jurisdictions.

d. Jail Population Management Dashboard/Denver Sheriff's Department Collaboration – Faith Augustine

Faith Augustine reported that the Denver, Colorado Sheriff's Department developed a jail population dashboard modeled after our Jail Population Management Dashboard, and reached out to us in September 2015 to discuss the possibility of inter-agency data sharing. CJC staff and representatives from the Metro Department of Information Technology have been discussing this possibility with criminal justice and IT representatives from the Denver Sheriff's Department. We are identifying opportunities for information sharing and possible database interfaces, and have a tentative date for an on-site hackathon in mid-May in Louisville, KY. Faith added that the CJC staff is looking forward to partnering with Denver to see what common data points can be shared to enhance local efforts in both jurisdictions.

VI. Old Business/New Business

Judge Cunningham reported that despite the original budget proposal that would have severely hampered court operations, appropriations approved by the legislature in the final hours of the 2016 Legislative Session will allow the Judicial Branch to maintain current staffing and service levels over the next two years. He noted that since a continuation budget was passed, efficiencies will still need to be found, but definitely not to the level that was originally proposed. He reminded members that the Courts have experienced a 49% reduction since 2008. Tom Wine reported that funding for 2016 – 2018 for the Commonwealth's Attorney is a continuation budget as well, and Dan Goyette reported that there will be no salary increases for the Public Defender's Office or any additional social workers as requested. Ellen Heslen noted that given the 9% cut to the public safety agencies, the Mayor's Office is in discussion with Secretary John Tilley in anticipation that funding for the Youth Detention Center and Metro Corrections Department will be impacted.

VII. Adjourn/Next Meeting:

With no further business to address, the meeting was adjourned. The next meeting of the Commission Board will be held on Wednesday, June 15, 2016 at 2:00 p.m. in the 6th Floor, Crown Room, Judicial Center.